

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TROY WHITE,
Petitioner,
v.

CALVIN JOHNSON, *et al.*,
Respondents.

Case No. 2:21-cv-01800-GMN-VCF

ORDER

In this habeas corpus action, the petitioner, Troy White, represented by appointed counsel, filed an amended habeas petition on May 31, 2022 (ECF No. 13). Respondents filed a motion to dismiss on September 28, 2022 (ECF No. 23), arguing that several of the claims in White's amended petition are either unexhausted or exhausted but procedurally defaulted. White then filed a motion for stay (ECF No. 25), stating that he has initiated a second state habeas action to exhaust claims not previously presented in state court and requesting a stay pending completion of that state habeas action.

Along with his motion for stay, White filed a motion for extension of time (ECF No. 26), requesting that his response to the motion to dismiss be suspended until after the Court rules on the motion for stay.

The Court has examined the motion to dismiss and the motion for stay, and determines that they are closely related, and that both will involve consideration of the question whether the claims in White's amended petition not previously presented in state court are unexhausted, or whether they are exhausted but procedurally defaulted. As such, the Court determines that the two motions can and should be resolved together, without the delay that would be caused by suspending briefing of the motion to dismiss until after resolution of the motion for stay. Therefore, the Court will deny

1 White's motion for extension of time and will set a schedule for concurrent briefing of the
2 motion to dismiss and motion for stay.

3 **IT IS THEREFORE ORDERED** that Petitioner's Motion for Extension of Time
4 (ECF No. 26) is **DENIED**.

5 **IT IS FURTHER ORDERED** that Respondents will have until and including
6 December 9, 2022, to file a response to Petitioner's Motion for Stay and Abeyance
7 (ECF No. 25). Petitioner will then have 30 days to file a response to the Motion to
8 Dismiss (ECF No. 23) and a reply regarding his Motion for Stay and Abeyance (may be
9 included in a single document). Respondents will then have 30 days to file a reply
10 regarding their Motion to Dismiss and a surreply regarding Petitioner's Motion for Stay
11 and Abeyance (may be included in a single document). In all other respects, the
12 schedule for further proceedings in the order entered December 3, 2021 (ECF No. 10)
13 will remain in effect.

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15 DATED THIS 9 day of November, 2022.

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19 GLORIA M. NAVARRO
20 UNITED STATES DISTRICT JUDGE
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